

December 3, 2018

Mr. Justin Gordon  
Chief, Open Government Division  
Office of the Attorney General of Texas  
209 West 14th St., 6th Floor  
P.O. Box 12548  
Austin, Texas 78701-2548

Re: City of Austin Open Records Request from Lucas Larson  
(PIR # C010907)

Dear Mr. Gordon:

On behalf of Social Bicycles LLC, d/b/a JUMP Bikes (“Jump Bikes”), a subsidiary of Uber Technologies, Inc., we are submitting a supplemental response to the letter from the City of Austin (“City” or “Austin”) notifying us of your review on whether the information responsive to Mr. Larson’s request is excepted from disclosure under the Texas Public Information Act (“PIA”), Texas Government Code Chapter 552.

In addition to the objections raised in our letter to you of November 2, 2018, we raise the exemption set forth in your office’s Open Records Decision 2018-29828 (November 28, 2018). In OR 29828, your office ruled that Jump Bikes’ operating data was exempt from disclosure under Section 522.101 of the Government Code, which exempts information considered confidential by law, and Section 2402.152 of the Texas Occupations Code, which prohibits the disclosure to the public of any records, data or other information disclosed to a public entity by a Transportation Network Company (“TNC”), such as Uber. As OR 2018-29829 reasons, Uber submitted the operating data, required by the City, through its subsidiary Jump Bikes. The same reasoning applies here: through Jump Bikes, Uber submitted the application and appendices to the City for a dockless mobility system license, information required by the City for such a license. See November 2, 2018 letter, p. 1. Under Government Code Section 552.101 and Occupations Code Section 2403.152, disclosure of the information sought by Mr. Larson is prohibited by law.

The Texas Attorney General has stated that a prior ruling by its office is a previous determination that governs a later request when the later request seeks “precisely the same records or information that were previously submitted” to the A.G.’s office, or when the later request seeks documents or information that “fall within a specific, clearly delineated category

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of information” covered by a prior ruling. ORD 673 (2001), pp. 6-7. *See also* GOVERNMENT CODE § 552.301(a). OR 2018-29828 is a previous determination that the information sought by Mr. Larson is excepted from disclosure.

We appreciate your consideration of our concerns about the potential release of this information, and the potential harm that would ensue. If you require additional information from us, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Judith A. Meyer". The signature is fluid and cursive, with the first name "Judith" being more prominent.

Judith A. Meyer

JAM:pmt

cc: 61817-70173261@requests.muckrock.com